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10/713,380

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Xin M. Wu

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EXAMINER

VAN ROY, TOD THOMAS

ART UNIT

PAPER NUMBER

2828

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/713,380

Applicant(s)

WU ET AL.

Examiner

Tod T. Van Roy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner acknowledges the amending of claim 7, and cancellation of claims 1-6 and 12-23.

### ***Response to Arguments***

The Examiner concedes that an art rejection of claim 23 was omitted in error in the previous office action. This action will correspondingly be made non-final.

### ***Claim Rejections - 35 USC § 112***

The previous 112 rejection of claim 23 was made in error and is hereby withdrawn.

### ***Claim Objections***

Claim 7 is objected to because of the following informalities:

The coupling to the "gate" of claim 7 is believed to more correctly be read as "base or gate" due to the dependencies of claims 8 and 9 as well as the figures included in the disclosure.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Taguchi (US 6320890).

With respect to claim 7, Taguchi discloses a method comprising: forming a direct modulation laser driver including a transistor (fig.10 #74) coupled between a power supply (fig.10 Vcc) and a laser diode (fig.10 LD); and coupling said transistor to be driven by a differential output stage (fig.10, formed of: R5, R6, #71,73), and providing a first and a second resistance (fig.10 #R5/R6), the ratio of the first to the second resistance being a matching resistance (can be any value) and the first and the second resistances are both greater than said matching resistance (*Taguchi does not disclose resistance values for R5 or R6 (R4 taught to be at least 100 ohms, col.10 lines 42-45) however, it is inherent that the resistance values would be greater than 1 ohm as the circuit would essentially act as if the resistors were not present otherwise, hence there are 3 scenarios: (1) the resistance values are equal making the matching value 1, and less than R5 and R6 (2) R5 is larger than R6, then R6 will be designated the "first" and R5 the "second" resistance, making the ratio of the "first" to the "second" less than either R5 or R6 (3) R6 is larger than R5, then R5 will be designated the "first" and R6 the "second" resistance, making the ratio of the "first" to the "second" less than either R5 or R6; thus for any reasonable scenario the resistors of Taguchi meet the claim limitation*), and coupling the gate of said transistor to a node between said first and second resistances (gate of #74 can be considered electrically coupled to a node between R5/R6).

With respect to claim 9, Taguchi discloses the transistor to be a bipolar transistor (fig.10 #74) having its base coupled to said differential output stage.

Claims 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshikawa et al. (US 5163063).

With respect to claim 7, Yoshikawa discloses a method comprising: forming a direct modulation laser driver using a transistor (fig.2 #10) coupled between a laser diode (fig.2 1a) and a power supply voltage (fig.2 Vcc), and coupling said transistor to be driven by a differential output stage (fig. #5), and providing a first and a second resistance (fig.2 #8/9), the ratio of the first to the second resistance being a matching resistance (can be any value) and the first and the second resistances are both greater than said matching resistance (*Yoshikawa does not disclose resistance values for R5 or R6 (R4 taught to be at least 100 ohms, col.10 lines 42-45) however, it is inherent that the resistance values would be greater than 1 ohm as the circuit would essentially act as if the resistors were not present otherwise, hence there are 3 scenarios: (1) the resistance values are equal making the matching value 1, and less than R5 and R6 (2) R5 is larger than R6, then R6 will be designated the "first" and R5 the "second" resistance, making the ratio of the "first" to the "second" less than either R5 or R6 (3) R6 is larger than R5, then R5 will be designated the "first" and R6 the "second" resistance, making the ratio of the "first" to the "second" less than either R5 or R6; thus for any reasonable scenario the resistors of Taguchi meet the claim limitation*), and coupling the gate of said transistor to a node between said first and second resistances (fig.2).

With respect to claim 9, Yoshikawa discloses the transistor to be a bipolar transistor (fig.2) having its base coupled to said differential output stage.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsai (US 2003/0156609).

With respect to claim 7, Tsai discloses a method comprising: forming a direct modulation laser driver including a transistor (fig.4 Q501) coupled between a power supply (fig.4 Vcc) and a laser diode (fig.4 LD401); and coupling said transistor to be driven by a differential output stage (fig.4, formed of: Resistor next to Q504, Resistor next to Q505, Q502, Q503), *(Tsai does not disclose resistance values for R1 or R2 however, it is inherent that the resistance values would be greater than 1 ohm as the circuit would essentially act as if the resistors were not present otherwise, hence there are 3 scenarios: (1) the resistance values are equal making the matching value 1, and less than R1 and R2 (2) R1 is larger than R2, then R2 will be designated the "first" and R1 the "second" resistance, making the ratio of the "first" to the "second" less than either R1 or R2 (3) R2 is larger than R1, then R1 will be designated the "first" and R2 the "second" resistance, making the ratio of the "first" to the "second" less than either R1 or R2; thus for any reasonable scenario the resistors of Tsai meet the claim limitation)*, and

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coupling the gate of said transistor to a node between said first and second resistances (gate of #501 can be considered electrically coupled to a node between R1/R2).

With respect to claim 8, Tsai discloses the transistor to be a field effect transistor (fig.4 Q501) having its gate coupled to said differential output stage.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai in view of Kwon et al. (US 2003/0002551).

With respect to claim 10, Tsai teaches the laser diode driver as outlined in the rejections to claim 7 but does not teach the use of an AC coupled matching resistor.

Kwon teaches a laser diode driver that uses an AC coupled matching resistor (fig.3

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Rc1). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the laser driver of Tsai with the resistor of Kwon in order to reduce ringing during high speed operation (Kwon, [0030]).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai in view of Tanaka et al. (US 2004/0114650).

With respect to claim 11, Tsai teaches the laser diode driver as outlined in the rejections to claim 7, but does not teach the use of parallel matching resistors. Tanaka teaches a laser diode driver which uses parallel matching resistors (fig.3 Rd). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the laser driver of Tsai with the matching resistors of Tanaka in order to suppress the reflection of signals from the laser diode (Tanaka, [0040]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod T. Van Roy whose telephone number is (571)272-8447. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on (571)272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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